B.S.REF.
2

PRIVATE ACTS.

3
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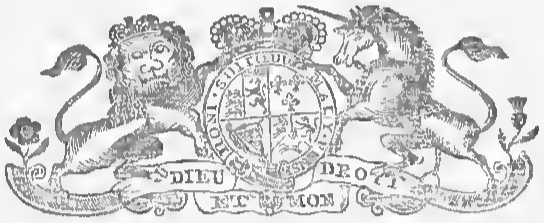
Anno Regni
ANNÆ
REGINÆ
Magnæ Britanniæ, Franciæ, & Hiberniæ,
SEPTIMO.

At the Parliament Summoned to be Held at *Weſtminſter*, the Eight Day of *July*, *Anno Dom.* 1708. In the Seventh Year of the Reign of our Sovereign Lady *ANNE*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, Queen, Defender of the Faith, *&c.*

And by ſeveral Writs of Prorogation begun and Holden on the Sixteenth Day of *November*, 1708. being the Firſt Seſſion of this preſent Parliament.



LONDON,

Printed by *Charles Bill*, and the Executrix of *Thomas Newcomb*, deceas'd; Printers to the Queens moſt Exeellent Majeſty. 1709.

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Anno Septimo

Annæ Reginæ.

1709.

An Act for Preſerving and Enlarging the Harbour of *Whitehaven* in the County of *Cumberland*.

WHEREAS the Town of *Whitehaven* in the County of *Cumberland*, by the Encouragement of Sir *John Lowther*, Baronet, lately deceaſed, and other Anceſtors of *James Lowther*, Eſq; and the Induſtry of the Inhabitants of the ſaid Town, is of late Years greatly Improved in Trade and Shipping, and is yet capable of further Improvements therein, to the great Advancement of Her Majeſty's Revenue, the Encreaſe of Shipping and Navigation, and the Benefit of the ſaid Inhabitants, and of the Adjacent Country, if the Harbour of the ſaid Town can be Preſerved, and were Enlarged and Regulated in a proper manner: And whereas the accuſtomed Duties of Anchorage hitherto, by the Favour of the ſaid *James Lowther*, and his Anceſtors, Applied thereto, beſides ſeveral conſiderable Sums voluntarily contributed by the ſaid Sir *John Lowther*, and other Anceſtors of the ſaid *James Lowther*, and by ſeveral of the Inhabitants of the ſaid Town, are all found Inſufficient to Defray the Growing Charges of Maintaining the ſaid Harbour, and of Making ſuch New Works as are ſtill Neceſſary for Securing the ſame: To the end therefore that ſuch Courſe may be for ever Eſtabliſhed as ſhall be Effectual for the Purpoſes aforeſaid, Be it Enacted, and it is hereby Enacted By the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all that Precinct included within the Limits and Bounds herein after expreſſed, That is to ſay, Beginning at the Wharf on the North-Weſt-end of *Marlborough-ſtreet*, and from thence in a Line North-Eaſt and by North till the Middle of *Lowther-ſtreet*, open upon it, and from thence in a ſtraight Line Parallel

Preamble.

Bounds of the Harbour deſcribed.

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Parallel to the Range of the ſame Street directly to the Low-Water Mark, from thence by the Low-Water Mark to the Rocks whereon the New Mole is begun to be Erected, and ſo along the ſaid Rocks by the Low-Water Mark, till it Anſwer the Line of the ſaid Mole, from thence along that Line till it come up to the ſaid Mole, and ſo along the ſame Mole till it joyn upon the Old Pier at the Platform, and from thence including the ſaid Platform along the New Wharf, till it meet with the Wharf of the Weſt-Strand near the houſe of *Mary Addiſon* Widow, from thence along the ſame Wharf by the Cuſtom-houſe Key in a ſtraight Line to the Weſt-ſide of the Timber Yard, and ſo along the Wall of the ſame Yard to the North-Weſt Corner thereof, and from thence by the North-Weſt Wall of the ſame Yard to the Wharf where it begun, as the ſame has lately been ſet out and bounded, is and ſhall be from henceforth for ever the Harbour of *Whitehaven* aforeſaid, and Appropriated to the Lying, Anchoring and Mooring of all ſuch Ships, Veſſels, and Boats, as ſhall have occaſion at any time or times hereafter to make uſe of the ſame, and to no other uſe or purpoſe whatſoever.

No houſes &c to be made nearer than as here deſcribed without the agreement of Mr. Lowther and 11 Truſtees.

And be it further Enacted by the Authority aforeſaid, That no Houſes, Encloſures, or Buildings whatſoever, ſhall at any time hereafter be made nearer the ſaid Harbour than is hereafter limited, that is to ſay, On the Weſt-Strand nearer than the preſent Houſes and Buildings there, on the New Wharf between Mrs. *Addiſons* Houſe and the North-Eaſt-Corner of *Henry Walkers* Ground-plot nearer than the Range of the ſaid Houſe and Ground, and from thence to the Iron Oar Steaths nearer than Forty Eight Yards at *Henry Walkers*, drawn to Forty Yards at the ſaid Steaths, from thence to the North-Eaſt Corner of the ſaid Steaths nearer than the Eaſt Range of the ſame, and from thence unto the Anchor Smithies nearer than Eighteen Yards, and from thence to the Platform nearer than the Range of *Hewſons* Smithy, and from the Platform along the New Mole, to the Elbow of the ſaid Mole, nearer than Twelve Yards, and from thence to the Low-Water Mark nearer than a Line ſtretching to the North-Weſt, and along the Counter-mole intended to be made on the North-Eaſt-ſide of the ſaid Harbour nearer than the Range of the North-Eaſt ſide of *Lowther-ſtreet*, nor from thence to the Timber-Yard nearer than Fifteen Yards; But that all the Spaces aforeſaid ſhall be left free and open for the Erecting of Poſts for the Mooring of Ships and Veſſels, and for the other uſes of common Wharfs or Keys for the Conveniency of the Shipping in Repairs, or otherwiſe; and that nothing ſhall he taken or demanded for or upon the Account of Wharfage for the uſe of any of the ſaid Wharfs or Keys, nor for Cranage thereon, unleſs the ſaid *James Lowther*, his Heirs or Aſſigns aforeſaid, and Eleven or more of the Truſtees herein after appointed, for the

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the time being, ſhall agree to Erect or Make any Crane or Cranes, or other Engine, on the ſaid Wharfs or any of them, which they are hereby Impowered to do as they ſhall think Convenient, for the better Loading and Unloading of any Goods, in which caſe a reaſonable Cranage or Recompence ſhall be paid for the Uſes of the ſaid Harbour, by ſuch Merchant or others as ſhall be willing to make uſe of the ſame, and not otherwiſe.

to erect Cranes or other Engines.

Except ſome buildings belonging to Mr. Lowther.

Provided always, That the ſaid *James Lowther*, his heirs or Aſſigns, Lords of the Manor of *St. Bees* in the ſaid County of *Cumberland*, ſhall and may from time to time continue the Watch-houſe and the Block-makers Shop and Store-Room at the end of the Pier, and Repair or Rebuild the ſame, and receive the Rents and Profits thereof to his and their own Uſe.

And Provided alſo, That a ſufficient way, open and free for Carts and other Carriages, ſhall be left along each of the ſaid Wharfs, and along the ſaid Pier, and through the Wharf between *Henry Walkers* Ground-Plot and the Iron Oar Steaths, from the Ground of the ſaid *James Lowther* behind the ſame Wharf, not leſs then Three Yards next adjoyning upon the ſaid Steaths; Any thing in this Act contained to the contrary hereof notwithſtanding.

And for as much as it is found neceſſary to Complete and finiſh the New Mole aforeſaid, and to make a Counter-Mole and Head on the North-Eaſt-ſide of the ſaid Harbour, to Strengthen and Repair the Pier with a New Bulwork and other Works, and to Cleanſe and Deepen the ſaid Harbour; Be it further Enacted by the Authority aforeſaid, That in Lieu of the aforeſaid accuſtomed Duties of Anchorage which have been heretofore uſually paid, (all which Duties are hereby wholly, and for ever taken away and diſcharged) there ſhall be Paid, from and after the five and twentieth Day of *March*, which ſhall be in the Year of our Lord, One thouſand ſeven hundred and nine, for the Term of fourteen Years then next enſuing, the ſeveral Rates and Duties herein after-mentioned, that is to ſay, One half-peny for every Ton, computing One Hundred ninety two Gallons *Wincheſter*-Meaſure to the Ton, for all Coals that ſhall be delivered or put on Board any Ship or Veſſel in the ſaid Harbour for Exportation; which Duty on Coals ſhall be paid by the Maſter, or other Perſon who ſhall have the Rule or Command of ſuch Ship or Veſſel, after the ſaid Coals are ſo ſhipped or put on Board, and before ſuch Ship or Veſſel go out of the ſaid Harbour, and ſhall be diſcounted with the Owner or Proprietor of the ſaid Coals, out of the Price of the ſame; and the ſaid Maſter or other Perſon having the Rule of ſuch Ship or Veſſel, is hereby Impowered to Diſcount and Detain the ſaid Duty accordingly.

Anchorage duty taken away.

Duty of ½d. per ton on Coals.

from 25 March 1709 for 14 Yrs 14 1723

And

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Duties on goods and merchandize

And be it further Enacted by the Authority aforeſaid, That there ſhall be Paid for all Goods and Merchandize which ſhall be imported and Landed, or Diſcharged out of any Ship or Veſſel in the ſaid Harbour, from and after the ſaid Five and twentieth Day of *March*, for and during all the Term aforeſaid, the ſeveral Rates and Duties following; That is to ſay, For every Hogſhead of Tobacco, Three pence; For every Hogſhead of Sugar, Six pence; For every Tun of Wine, Brandy or other Exciſeable Liquors, Two ſhillings; For every Ton of Hemp or Flax, One ſhilling and ſix pence; For every Hundred of Deals, Eight pence; For every Laſt of Pitch or Tar, Eight pence; For every Ton of Iron, Twelve pence; For every Ton of Raſt or other Timber, four pence; For every Barrel of Herrings, One peny; For every Pack of Linen containing Two hundred Weight, computing One hundred and twelve Pounds to the Hundred, One ſhilling, and proportionably for every greater or leſſer Quantity of the ſaid Goods and Merchandizes reſpectively, and for all other Goods and Merchandizes ſo Imported, Two pence in every Twenty Shillings of the Value, as they ſhall be Rated and Charged at the Cuſtom-Houſe; all which Sums of Money and Duties, upon Importation ſhall be paid by the Merchant or other Perſon, into whoſe Cuſtody or Poſſeſſion, or by whoſe Order the ſaid Goods and Merchandize ſhall be delivered.

Duties on tonnage of ſhips.

And be it Enacted by the Authority aforeſaid, That from and after the ſaid Five and twentieth Day of *March*, for and during the Term aforeſaid, every Maſter, or other Perſon or Perſons, having the Rule or Command of any Ship or Veſſel, ſhall Pay for every ſuch Ship or Veſſel, upon her Arrival at the ſaid Port and Harbour from any other Port or Place in the Kingdoms of *Great Britain* or *Ireland*, the Sum of Two pence *per* Ton, and for every ſuch Ship or Veſſel, upon her Arrival at the ſaid Port from any Port or Place of her laſt Diſcharge in *Europe*, other than the Kingdoms of *Great Britain* or *Ireland*, the Sum of Four pence *per* Ton, and for every ſuch Ship or Veſſel, upon her Arrival at the ſaid Port from any Port or Place of her laſt Diſcharge in *Aſia*, *Africa* or *America* the Sum of Eight pence *per* Ton, according to the Tonnage of each Ship or Veſſel ſo Arriving there, the ſaid Tonnage to be Admeaſured as is Deſcribed in an Act of Parliament made in the Fifth and Sixth year of the Reign of the late King *William* and Queen *Mary*, Intituled, *An Act for granting to their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale and other Liquors, for ſecuring certain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall Voluntarily advance the ſum of Fifteen hundred thouſand Pounds, towards carrying on the War againſt* France.

Provided

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Wind bound ships pay ¼ tonnage.

Provided always, That for every Ship or Veſſel, which during the Term aforeſaid, ſhall by Streſs of Weather, be drove into the ſaid Harbour of *Whitehaven*, or ſhall otherwiſe come into the ſame for Security or Preſervation (the ſaid Port or Harbour not being the Port of their Diſcharge or Lading) there ſhall be paid one Fourth part of the aforeſaid Duties of Tonnage upon Shipping, according to the Ports or Places from whence they ſhall arrive, as aforeſaid, reſpectively, and no more.

One third of the tonnage made perpetual.

And be it further Enacted by the Authority aforeſaid, That from and after the Expiration of the aforeſaid Term of Fourteen Years, one third Part of the Rates and Duties herein before Charged upon the Tonnage of Ships and Veſſels, and no more, ſhall for ever continue and be paid in manner aforeſaid, for the perpetual Repairing, Cleanſing and Maintaining of the ſaid Harbour of *Whitehaven*.

Mr. Lowther and his heirs to chooſe 7 Truſtees & to change them at pleaſure.

And for the better Collecting and Diſpoſing of the ſeveral Sums of Money, Rates and Duties hereby made payable, as well after the Expiration of the ſaid Term, as during the Continuance of the ſame, and for the Making and Ordering of the Works herein before Enumerated, and for the perpetual good Order and Regulation of the Harbour aforeſaid; Be it Enacted by the Authority aforeſaid, That the ſaid *James Lowther* his Heirs and Aſſigns, Lords of the Manor of St. *Bees* aforeſaid, for the time being, or in his or their Abſence, any Perſon deputed by him or them, under his or their Hand and Seal, and Six other Perſons to be likewiſe Nominated, Appointed and Changed from time to time, by the ſaid *James Lowther* his Heirs and Aſſigns aforeſaid, by any Writing or Writings, under his or their Hand and Seal, and *William Feryes*, *Clement Nicholſon*, *Thomas Lutwidge*, *Robert Blacklock*, *Eliſha Gale*, *Thomas Coates*, *Richard Hodgſon*, *Robert Biglands*, *Richard Filbeck*, *John Gale* Junior, *John Gale* Senior, *Peter Senhouſe*, *Ebenezer Gale*, *and Chriſtopher Dixon*, Merchants, until the Firſt *Friday* in the month of *Auguſt*, one thouſand ſeven hundred and ſixteen, and if during that Term, any of them happen to Die or Reſign, then ſuch Perſon and Perſons, as the greater part of the Survivors of them ſhall Nominate and Elect, during the Reſidue of the ſaid Term, and from thenceforth fourteen Perſons to be Choſen, Nominated and Appointed every three years by Ballot, by the Majority of the Inhabitants, of the ſaid Town of *Whitehaven*, at the time of ſuch Election dealing by way of Merchandize, in the Goods ſubjected to the Payments and Duties aforeſaid, or any of them, or being Maſter, or having any part or Share, not leſs than one Sixteenth, of any Ship or Veſſel then actually belonging to the Port of *Whitehaven*; the Firſt Election to be made on the ſaid Firſt *Friday* in *Auguſt*, which ſhall be in the Year One thouſand ſeven hundred and ſixteen aforeſaid, at the Court-Houſe in

14 other Truſtees for 7 years.

Traders, &c. to chooſe 14 Truſtees on the 1ſt Friday in Auguſt, every 3d year

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in the Town of *Whitehaven* aforeſaid, and ſo from time to time on every Firſt *Friday* of every Month of *Auguſt*, in every third Year after the ſaid Firſt Election Succeſſively for ever, ſhall be and are hereby Conſtituted and Appointed Truſtees for the Ordering and Directing the Collection, Receipt and Diſpoſal of the Sums of Money and Duties, which from time to time, by virtue of this Act, ſhall become Due and Payable, and for Ordering and Directing the Building, and making the Works in this Act before Enumerated, and for Deepning, Cleanſing and Regulating the ſaid Harbour of *Whitehaven*, in ſuch manner as in this Act is provided.

11 Truſtees to chooſe a Collector of the duties.

And to the end the ſaid Duties and Payments May be duly collected, Levied and Paid, according to the true Intent and Meaning of this Act; Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the ſaid Truſtees for the time being, or any Eleven or more of them, from time to time, and at all times hereafter, by a Writing under their Hands and Seals, to Nominate, Chooſe and appoint ſuch Perſon or Perſons, to be Collector or Collectors of all and every the Duties, Sum and Sums of Money payable by this Act, and ſuch Collector or Collectors, from time to time, by a like Writing under their Hands and Seals, again to Diſcharge and Diſplace, and new ones in the manner aforeſaid, to Chooſe and Appoint in his or their ſtead, as they ſhall think fit, and all and every the ſaid Sum and Sums of Money, and Duties, ſhall be paid to ſuch Collector and Collectors for the time being, and ſhall be by him and them from time to time Accounted for and Paid over into the Hands of ſuch Perſon or Perſons, as ſhall be appointed by the ſaid Truſtees in manner aforeſaid, to be Receiver or Receivers of the ſame.

Collector to give ſecurity.

Provided always, That the ſaid Truſtees or any Eleven or more of them, ſhall take of the ſaid Collector and Collectors, Receiver and Receivers for the time being, good and ſufficient Security, ſuch as they ſhall approve of, as well for the due Collecting, Anſwering and paying all and every Sum and Sums of Money, and Duties Chargeable by this Act, according to the true Intent and Meaning of the ſame, as alſo for their reſpective Making and Giving, from time to time, when they ſhall be thereunto required by the ſaid Truſtees, or any Eleven or more of them, a True and Particular Account in Writing under their Hands, of all the ſaid Money by him or them reſpectively Collected or Received, and of all Debts and Arrears ſtanding out, and of their reſpective Payments and Diſburſements, with the particulars thereof, and proper Vouchers for the ſame.

Collector to have an allowance not exceeding 12 pence in the pound.

Provided, That the ſaid Collector and Collectors, Receiver and Receivers, ſhall from time to time be allowed for their Pains in Executing the ſaid Office, out of the ſaid Sum or Sums of money by him or them Received, ſo much as the ſaid Truſtees, or any Eleven or more of them, ſhall think fit, not exceeding

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exceeding for all together Twelve pence in the Pound; and the ſaid Truſtees or any Eleven or more of them, ſhall and are hereby Impowered to meet on the firſt *Friday* in the Month of *June* in every Year (or oftener if they think fit) at the Court Houſe in *Whitehaven* aforeſaid, to Take, Examine and Settle the ſaid Accounts, and ſhall Cauſe the ſame, together with an Account of their whole Proceedings in relation to the ſaid Truſt, to be fairly Entred in one or more Book or Books to be provided for that purpoſe.

All the duties to be applied to the Harbour.

And be it further Enacted by the Authority aforeſaid, That all and every the Sum and Sums of Money and Duties, which ſhall be Collected by virtue of this Act, ſhall be Applied and Diſpoſed for the Uſes of the ſaid Harbour, and in ſuch manner as is in this Act directed, and for no other uſe, intent or purpoſe whatſoever, That is to ſay, the ſaid Truſtees for the time being, or any Eleven or more of them, ſhall and may from time to time direct and order the making of the aforeſaid Works, and the Deepning and Cleanſing of the ſaid Harbour, in ſuch manner as they ſhall think moſt Neceſſary and Conducive to the ends and purpoſes aforeſaid, according to the true intent and meaning of this Act, and ſhall likewiſe Order and direct the fixing and Erecting of Poſts for Mooring on the ſaid Pier, and on the Wharfs aforeſaid, as they ſhall think expedient, and the perpetual Repairing of the ſaid Pier, Moles and Wharfs, and Mooring-Poſts, and the Cleanſing and Maintaining of the ſaid Harbour; and ſhall Order the Removal of all Annoyances to the ſaid Harbour and Wharfs, and ſhall and may make ſuch Contracts with Workmen and others, and in the firſt place Iſſue out all ſuch Sum and Sums of Money for Repaying the Charges of Paſſing this Act, and for all the other Uſes and Purpoſes in this Act provided, as they ſhall judge requiſite.

No new walls &c. to be made without the conſent of Mr. Lowther and 17 Truſtees.

Provided always, That no other Walls, Encloſures, or Breaſt-Works, but what are directed in this Act, be made within the Limits of the ſaid Harbour, upon any pretence whatſoever, without the Conſent and Approbation of the ſaid *James Lowther*, his Heirs and Aſſigns aforeſaid, and of Seventeen or more of the reſt of the ſaid Truſtees for the time being.

Orders for the government of the Harbour, & penalties for offences.

And be it further Enacted by the Authority aforeſaid, That no Ship ſhall Unload any Balaſt in the ſaid Harbour in the Night-time, upon any Pretence whatſoever, under the Penalty of forty Shillings for every Default; That no Ship ſhall unload any Ballaſt into any Keil, Lighter, Boat, or Cart within the ſaid Harbour, without a ſufficient Port-ſail duly fixed and ſpread, under the Penalty of Twenty Shillings for every Default; That no Ship, Veſſel or Boat, ſhall heave or deliver any Balaſt or Stones into the ſaid Harbour, under the penalty of Ten Shillings for every Ton, and for every ſingle Quantity leſs then a Ton ſo heaved or delivered, and under the like further Penalties if they

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do not forthwith remove the ſame, upon Notice given them for that purpoſe by the Officer herein after mentioned; That no Perſon or Perſons whatſoever ſhall heave any Stones, Aſhes, Dung, Rubbiſh, or other Annoyance into the ſaid Harbour, nor into the *Pow* running into the ſame, from the South-End of *James ſtreet*, under the Penalty of Six Shillings and Eight-Pence for every Default, and under the like further Penalties if the ſame be not forthwith removed upon Notice, as aforeſaid; That there ſhall not be kept any fire, on any Pretence whatſoever, nor any Candle lighted, except in a Lanthorn, or in caſe of Neceſſity, on Board any Ship or Veſſel lying within the ſaid Harbour, under the Penalty of Twenty Shillings for every Default; That if any Ship or Veſſel ſhall through Miſmanagement or Careleſneſs run foul or Bilge upon the Pier, Moles or New Wharf belonging to the ſaid Harbour, whereby the ſame ſhall be any way damnified, the Maſter or Ruler of ſuch Ship or Veſſel ſhall, with all convenient ſpeed, upon Notice, as aforeſaid, repair the Damage ſo ſuſtained, at the Charge of ſuch Ship or Veſſel, under the Penalty of Double the Value thereof for every ſuch Neglect; That for the better preſerving of the natural Securities of the ſaid Harbour, no Perſon ſhall Quarry, Take or Carry away any ſtones, either below the High-Water-Mark, or from the *Baurgh* at any Place between the New Mole and a Line drawn from the Weſtern Points of the Rocks called *Tombeard*, to the *Baurgh*, under the Penalty of Two Shillings and Six Pence for every Cart Load of Stones ſo Quarried, Taken or Carried away.

Stones in the rocks.

Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid, That the ſaid *James Lowther*, his Heirs and Aſſigns aforeſaid, and any Seventeen or more of the reſt of the ſaid Truſtees for the time being, ſhall and may, and are hereby Authorized and Impowered, from time to time, as they ſhall ſee occaſion, to Explain or Alter all or any the aforeſaid Orders in this Act particularly provided, or the Penalties of the ſame; And alſo to ſubſtitute or make any further or other Orders and By-Laws for the better Government and Regulation of the ſaid Harbour, and the Wharfs aforeſaid, and under ſuch Penalties not exceeding Six Shillings and Eight Pence for any one Offence, as they ſhall judge requiſite for that Purpoſe; And that they may alſo by the like Concurrence make any other Work or Works in or about the ſaid Harbour, as well for the Better Preſerving, Securing, Cleanſing and Deepning the ſame, as alſo for the more convenient Docking, Repairing, and Cleanſing of Ships or Boats, or for any other Uſes, Improvement, or Accommodation of the ſaid Harbour, or of the Shipping therein, as they ſhall from time to time find neceſſary or expedient; Any thing in this Act contained to the contrary hereof notwithſtanding.

Lord of the Manor & 17 Truſtees may make new by laws with penalties not exceeding 6s. 8d.

and do other things for the improvement of the Harbour.

And

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And for the more effectual Preventing the Throwing of Aſhes, and other Annoyances into the ſaid Harbour, Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the ſaid Truſtees, or any fifteen or more of them, together with the Conſent and Approbation of the ſaid *James Lowther*, his Heirs or Aſſigns, as aforeſaid, to appoint a Scavenger within the ſaid Town of *Whitehaven*, from time to time, and at all times hereafter, and to Contract with him for Carrying away the Dirt, Aſhes, and other Annoyances from the ſaid Town to ſuch Place as ſhall be Appointed by the ſaid *James Lowther*, his Heirs or Aſſigns aforeſaid, and approved of by fifteen or more of the ſaid Truſtees, upon ſuch Terms as they ſhall think fit, and from time to time to Raiſe ſuch Sums of Money as ſhall be neceſſary for that purpoſe, upon all the Houſholders within the ſaid Town by a Pound-Rate of the reſpective houſes wherein they dwell, ſo as no Perſon ſhall in any one Year be Taxed with a Sum exceeding Six Pence in the Pound of the Yearly Value of any ſuch Houſe, and alſo from time to time to make ſuch Orders as well for the Collecting, Levying and Diſburſing of the ſaid Rates, as alſo for the Preventing, and removing of all Annoyances from the ſaid Town, and for the orderly Cleanſing and Paving the Streets of the ſame, and for making Sewers for that purpoſe, and under ſuch reaſonable Penalties, not exceeding Ten Shillings for any Offence, as they ſhall find moſt conducive to the Ends and Purpoſes aforeſaid.

Mr. Lowther and 15 Truſtees may appoint a Scavenger.

And be it further Enacted by the Authority aforeſaid, That all and ſingular the Penalties for any Offence Committed within the Precincts of the ſaid Harbour, other than the neceſſary Charges of Proſecuting and Recovering the ſame, and ſuch part thereof as the ſaid Truſtees for the time being, or any Eleven or more of them, ſhall think fit to allow for the Encouragement of ſuch Perſons as ſhall Inform and Proſecute for the ſame, which Allowance they are hereby Impowered from time to time to make, as they ſhall find neceſſary, ſhall be received by the Receiver or Receivers of the Duties hereby Granted, and Applied to the Uſes of the ſaid Harbour, and not otherwiſe; and that all the Penalties given by this Act, ſhall and may be Recovered and Levied by Diſtreſs and Sale of the Goods of the Offender, or of the Tackle Apparel or Furniture of or belonging to any Ship or Veſſel where ſuch Offence ſhall be Committed, by Warrant under the Hand and Seal of any One Juſtice of the Peace for the ſaid County of *Cumberland*, upon Proof of the Offence made before him by the Oath of one Witneſs; which Oath ſuch Juſtice of the Peace is hereby Impowered to Adminiſter, or by Confeſſion of the Party, rendring the Overplus (if any be) after the Penalty and the reaſonable Charges of ſuch Diſtreſs and Sale are deducted, to the Owner or Owners thereof, or to the Maſter or Ruler of ſuch Ship or Veſſel from which the ſame was taken.

Penalties within the precincts of the Harbour to go to the uſe of the Harbour,

and to be levied by one Juſtice of the Peace.

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Rule for admeaſurement of ſhips, and payment of tonnage and duty on coals.

And to the intent that all the ſaid Duties granted by this Act, may be truly anſwered and paid, Be it further Enacted by the Authority aforeſaid, That in caſe the Collector or Collectors thereof, and the Maſter or other Perſon, having Rule or Command of any Ship or Veſſel arriving in the ſaid Harbour of *Whitehaven*, cannot otherwiſe adjuſt the Tonnage of ſuch Ship or Veſſel, That then, and ſo often it ſhall and may be Lawful to and for the ſaid Collector or Collectors, from time to time, and at all times convenient and ſeaſonable, to enter into ſuch Ship or Veſſel, and to admeaſure the ſame, according to the Direction of the Act of Parliament herein before referred unto; which Admeaſurement ſhall be the Rule to Charge the ſaid Ship or Veſſel then and at all times afterwards; and in caſe any Maſter, or Perſon having the Rule of any ſuch Ship, do not upon reaſonable Demand, pay the aforeſaid Duty upon Coals, chargeable upon him by this Act, and to be diſcounted upon the Coal-Owner, as aforeſaid; and likewiſe in caſe any ſuch Maſter or Ruler, do not upon like reaſonable Demand, after the Tonnage of the ſaid Ship is Agreed unto, Admeaſured or Settled, as aforeſaid, pay the ſaid Duty upon Tonnage, according to the true intent and meaning of this Act, That then and in each of the ſaid Caſes, and ſo often as any of them ſhall happen it ſhall and may be Lawful to and for ſuch Collector or Collectors, to take any Tackle, Apparel or Furniture in, upon or belonging unto ſuch Ship or Veſſel, whether the ſame be fixed to the ſaid Ship or Veſſel, or otherwiſe, in the Name and Nature of a Diſtreſs, and the ſame to Detain and Keep until he or they be Satisfied and Paid the ſaid Sum and Sums of Money and Duties; and in caſe of Neglect or Delay of or in Payment of the ſame, or any Part thereof, by the ſpace of Three Days, next after ſuch Diſtreſs ſhall be taken, That then it ſhall and may be Lawful to and for the ſaid Collector or Collectors to ſell the ſaid Diſtreſs or Deſtreſſes ſo taken, and therewith to Satisfie him and themſelves, as well for and concerning the ſaid Duties, as for his and their reaſonable Charges in Taking, Keeping and Selling ſuch Diſtreſs or Diſtreſſes, rendring the Overplus, if any be, to the Maſter, or other Perſon having Rule or Command of ſuch Ship or Veſſel, or in his Abſence, to the Collector of the Cuſtoms at the Port of *Whitehaven* aforeſaid, for the time being, for the Uſe of ſuch Maſter, Ruler or Commander when he ſhall call for the ſame.

Method of levying this duty on Coals and Tonnage Duty.

Method of levying duties for goods & merchandize imported.

And be it further Enacted by the Authority aforeſaid, That in caſe any the Sum or Sums of Money by this Act appointed to be paid for any Goods or Merchandizes Imported, as aforeſaid, ſhall not be paid by the Owner or Merchant of ſuch Goods or Merchandize reſpectively, or his or their reſpective Factor or Agent, according to the true intent and meaning of this Act, upon reaſonable Demand thereof made,

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made, That then and ſo often it ſhall and may be Lawful, to and for the Collector or Collectors of the ſaid Duties for the time being, to take and diſtrain ſuch Goods or Merchandize, or any Part thereof, or any other Goods or Merchandize, of or belonging to ſuch Owner or Owners, Merchant or Merchants, or to any of them that were Chargeable with the ſaid Dutics, as ſhall then, or at any time afterwards come to, or be found within the Precincts of the ſaid Harbour, or upon any wharf belonging or adjoining thereto, or at the *Cuſtom-houſe* belonging to the Port of *Whitehaven* aforeſaid, other than ſuch Goods or Merchandize as ſhall then happen to be at the *Cuſtom-houſe* undiſcharged, or under actual Seizure *bona fide* made by virtue of the Laws relating to the Cuſtoms, or any of them; and in caſe of Neglect or Delay of or in Payment of the ſaid Sum or Sums of Money, or any part thereof, by the Space of three Days next after ſuch Diſtreſs ſo taken, that then it ſhall and may be Lawful to and for ſuch Collector or Collectors to ſell the ſaid Diſtreſs ſo taken, and therewith to ſatisfie him or themſelves, as well for and concerning the ſaid Duties, as for his and their reaſonable Charges in Taking, Keeping, and Selling ſuch Diſtreſs, rendring the Overplus (if any be) to the Owner or Owners thereof, or to his or their Factor or Agent, or in their Abſence to the Collector of the Cuſtoms at the Port of *Whitehaven* aforeſaid for the time being, for the uſe of ſuch Owner or Owners, when he or they ſhall call for the ſame.

Collectors to inſpect the Cuſtom houſe books & take copies of entries.

And be it further Enacted by the Authority aforeſaid, that the Officers of the Cuſtoms at the Port of *Whitehaven* aforeſaid for the time being, and every of them, ſhall permit the Collector and Collectors of the Duties hereby given for the time being, without Fee or Reward, to reſort unto, inſpect and take Copies of any entry or entries which ſhall be made there, of any Goods or Merchandize chargeable by this Act; and alſo that the ſaid Officers of the Cuſtoms there, nor any of them, ſhall not give nor make any Cocquet or other Diſcharge, nor take any Report outwards for any Ship or Veſſel, at or in the ſaid Harbour, until the Duties and Payments hereby granted, as well thoſe due and Payable in reſpect of the Tonnage of ſuch Ship or Veſſel upon her Arrival in the ſaid Harbour, as thoſe Due and Payable in reſpect of any Coals put on Board ſuch Ship or Veſſel in the ſaid Harbour for Exportation, ſhall be Paid unto the Collector or Collectors, appointed to receive the ſame, as aforeſaid; and that ſuch Maſter or Maſters, or other Ruler or Commander of ſuch Ship or Veſſel, do produce and ſhew forth proper Acquittances under the Hand of ſuch Collector or Collectors teſtifying the Receipt thereof, which Receipt ſuch Collector is hereby required to give without Fee or Reward upon reaſonable Demand, or otherwiſe to forfeit Ten Pounds to the Party grievOfficers of the Cuſtom-houſe not to clear out ſhips till the tonnage & duty on coals are paid.

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ed, and every Officer of the Cuſtoms making Default in any of the Premiſes enjoyned them by this Act, ſhall likewiſe forfeit Ten Pounds to the ſaid Truſtees to be applied to the Uſe of the ſaid Harbour; both the ſaid Sums to be recovered (together with full Coſts of Suit) in any of Her Majeſties Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoign Wager of Law, or Protection ſhall be allowed.

11 Truſtees may order digging and removing ſand, ſtones, &c.

And the better to Cleanſe and Deepen the ſaid Harbour, Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the ſaid Truſtees, or any Eleven or more of them, from time to time, to Order the Digging and Removing any Stones, Gravel or Sand within the Precincts of the ſaid Harbour, which may Obſtruct the ſame, and to lay ſuch Stones, Gravel or Sand in ſome convenient Place, between the High and Low-Water Marks, on the North-Eaſt ſide of the intended Counter-mole; and likewiſe that they ſhall have free Liberty to Dig, Quarry, and take all ſuch Stones within the ſaid Harbour, as may be uſeful for Walling or otherwiſe, and to uſe the ſame in the Works of the ſaid Harbour, and to Sell ſuch part of them as there ſhall be no ſuch Occaſion to uſe, and to apply the Money ariſing by ſuch Sales to the uſes of the ſaid Harbour only; and if there be not Stones ſufficient for the ſaid Work, to be got within the Precincts of the ſaid Harbour, that in that Caſe, they ſhall have Liberty from time to time, to Quarry and Take ſo much more, as together with the Stones ariſing within the Harbour, ſhall be neceſſary for the Uſes and Purpoſes of it, in any Place or Places upon the Sea-Shore, within the Manor of *St. Bees* beyond the aforeſaid Line, drawn from the Weſtern Points of *Tom-beard-Rocks* to the *Baurgh*.

Pier-Maſter, how to be choſen by 11 Truſtees,

his Power -

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Eleven or more of them, ſhall appoint, and they are hereby Impowered by Writing under their Hands from time to time, as occaſion ſhall require, to Chooſe and Appoint a Pier-Maſter to continue during their Pleaſure, who ſhall have Power to Order the regular Lying, Anchoring and Mooring of Ships and Veſſels in the ſaid Harbour, and to Determine any Difference that may happen in relation thereto, and to Cauſe a due Execution and Obſervance of the Rules in this Act appointed, and of all ſuch other Rules, Orders, Directions and By-Laws, as ſhall hereafter be made in purſuance of the Powers hereby Granted, for the better Regulating and Preſerving the ſaid Harbour, and the Ships and Veſſels therein, by a diligent Inſpection, and impartial Proſecution, which he is hereby Impowered to make in his own Name, but in Truſt for the Uſes of the ſaid Harbour as aforeſaid, from time to time, of all Offenders whatſoever againſt the ſaid Harbour or the Orders relating thereto; and the

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the ſaid Truſtees, or any Eleven or more of them, are hereby Impowered to allow and appoint a Sallary to be paid to ſuch Perſon for the ſaid Services, out of the perpetual Duties hereby Granted, not exceeding Twenty Pounds *per Annum*, and to Swear him, juſtly and indifferently, and without Partiality or Affection, to Execute the ſaid Office in all the Points aforeſaid.

His Sallary *per annum*.

And for the better Security of Ships which may have Occaſion to put into the Harbour aforeſaid in bad Weather, Be it further Enacted by the Authority aforeſaid, That all that part of *Whitehaven* Bay lying on the North-Eaſt of the ſaid intended Counter-mole, ſhall be always left with a free and open Beach to the full Sea, and that no Wharfs, Walls or Breaſt-Works ſhall at any time be made thereupon, any Pretence whatſoever, in any ſuch Depth of Water, as may Endanger any Ship or Veſſel to ſtrike or run upon the ſame, without the Conſent and Approbation of Seventeen of the ſaid Truſtees for the time being.

Provided nevertheleſs, That as the Land ſhall happen to gain upon the Sea, on the North-Eaſt-ſide of the ſaid Counter-mole; It ſhall and may be Lawful to and for ſuch Perſons as ſhall be Owners of ſuch Lands, from time to time to Advance any Building or Buildings or other Works at his or their Will or Pleaſure, ſo as not to Endanger the Striking of any Ship or Veſſel thereon, as aforeſaid; Any thing herein contained to the Contrary hereof notwithſtanding.

And for as much as the Temporary Duties granted by this Act, cannot of a long time Raiſe ſuch a Sum of Money as may be ſufficient for the aforeſaid extraordinary Works, which are to be done at the ſaid Harbour; Be it therefore further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Eleven or more of them, ſhall and are hereby Impowered, by Deed or Deeds indented under their Hands and Seals, to Convey and Aſſure all the ſaid Duties hereby Granted, or any part of them, for all or any part of the ſaid Term of fourteen Years, as they ſhall judge requiſite, to any Perſon or Perſons who ſhall be willing to Lend or Advance any Sum or Sums of Money thereupon, at Intereſt, not exceeding the Rate of Six Pounds *per Centum per Annum*, which Money ſo Lent or Advanced, ſhall be Employed for and towards the Uſes of the ſaid Harbour, according to the true intent and meaning of this Act, and not otherwiſe,

Clauſe for borrowing by the Truſtees.

And be it Enacted by the Authority aforeſaid, That if any Action, Suit or Information ſhall be Commenced or Proſecuted againſt any Perſon or Perſons for any thing that he or they ſhall do in purſuance of this Act, or in Executing any the Powers or Authorities, or any the Rules, Orders or Directions herein mentioned, or which ſhall be made by Virtue hereof; all and every ſuch Perſon and Perſons ſo Sued or Proſecuted

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ted in any Court whatſoever, ſhall and may Plead the General Iſſue, and give this Act and the Special Matter in Evidence; And if in any ſuch Suit the Plaintiff or Proſecutor ſhall become Nonſuit, or forbear Proſecution, or Diſcontinue the Suit, or if a Virdict ſhall paſs againſt him, or Judgment be given againſt him upon Demurrer, Then and in any of the ſaid Caſes the Defendant and Defendants ſhall Recover full Coſts, for which he and they ſhall have the like Remedy as where Coſts by Law are Awarded: And this Act ſhall be taken and allowed in all Courts as a Publick Act; and all Judges and Juſtices are hereby Required to take Notice thereof, without Special Pleading the ſame.

Math. Johnſon,
Cler' Parliamentor'

F I N I S.

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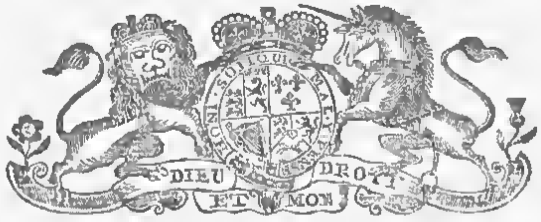
Anno Regni
A N N Æ
R E G I N Æ
Magnæ Britanniæ, Franciæ, & Hiberniæ,
D E C I M O.

At the Parliament Begun and Holden at *Weſtminſter*, the Twenty fifth Day of *November*, *Anno Dom.* 1710. In the Ninth Year of the Reign of our Sovereign Lady *A N N E*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, Queen, Defender of the Faith, *&c.* being the Firſt Seſſion of this preſent Parliament.

And from thence Continued by ſeveral Prorogations to the Seventh Day of *December*, 1711. being the Second Seſſion of this preſent Parliament.



L O N D O N,

Printed by *John Baſkett*, and the Aſſigns of *Thomas Newcomb*, and *Henry Hills*, deceas'd; Printers to the Queens moſt Excellent Majeſty. 1711.

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10 Anne C.3

Anno Decimo

Annæ Reginæ.

1711.

An Act for Enlarging the Term for Payment of certain Duties Granted in and by an Act of Parliament, Paſſed in the Seventh Year of Her Majeſties Reign, Intituled, *An Act for Preſerving and Enlarging the Harbour of* Whitehaven *in the County of* Cumberland.

WHEREAS by an Act of Parliament made in the Seventh Year of Her Majeſties Reign, Intituled, *An Act for Preſerving and Enlarging the Harbour of* Whitehaven *in the County of* Cumberland, certain Rates and Duties upon Coals, and other Goods and Merchandize, and upon Shipping, in the ſaid Act particulary mentioned, are Granted from and after the five and twentieth Day of *March*, which was in the Year of our Lord, One thouſand ſeven hundred and nine, for the Term of fourteen Years then next enſuing, for making certain Moles, and other Works, for Preſerving and Enlarging the ſaid Harbour, and for Deepning the ſame, and for other Purpoſes in the ſaid Act mentioned: And whereas ſeveral conſiderable Sums of Money have been already Raiſed upon the Credit of the ſaid Act, and Laid out, as well in Deepning the ſaid Harbour, as in Making and Carrying on ſeveral Strong and Expenſive Works for the Security of the ſame; but by reaſon of the Interruption of Trade in this time of War, which hath leſſened the ſaid Duties, ſuch further Sums as were expected, and which are ſtill neceſſary for the Completing and Finiſhing the Improvements of the ſaid Harbour, cannot be Raiſed upon the Credit of the ſaid Term of fourteen Years, whereby the ſaid good Purpoſes, mentioned and intended by the ſaid Act, are like to be fruſtrated: for Prevention thereof, and for the more effectual Accompliſhing of the Ends of the ſaid Act, Be it therefore Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all and ſingular the Rates and Duties upon Coals, and other Goods and Merchandize, and upon Shipping, in the ſaid Act Granted from the ſaid five and twentieth Day of *March*, which was in the Year of our Lord, One thouſand ſeven hundred and nine, for the Term of fourteen Years then next enſuing, ſhall continue to be Paid for the further Term of fourteen Years, from and after the Expiration of

25 March 1709 14
1723 14
1737

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expires on 25 March 1737.

of the ſaid Term of fourteen Years, in the ſaid recited Act Granted, and ſhall, during the ſaid Additional Term of fourteen Years, be Levied, Collected, Managed, and Diſpoſed, by ſuch Ways and Means, and under ſuch Penalties and Proviſoes, and with ſuch Powers and Authorities, and for ſuch Intents and Purpoſes, as in the aforeſaid Act is Provided in reſpect of the ſaid Duties therein Granted for the ſaid Term of fourteen Years in the ſaid recited Act mentioned.

Power to Borrow £1350 more.

And whereas the Sum of Thirteen hundred and fifty Pounds is ſtill wanting to Finiſh and Complete the Works neceſſary for the Preſervation and Improvement of the ſaid Harbour, Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Truſtees appointed by virtue of the ſaid former Act, for Ordering and Directing the Works of the ſaid Harbour, or any Eleven or more of them, to Borrow any Sum or Sums of Money not Exceeding the Sum of Thirteen hundred and fifty Pounds; which ſaid Principal Sum or Sums, together with Intereſt for the ſame, after the Rate of Six Pounds *per Centum per Annum*, as alſo the Principal Sums and Intereſt remaining unpaid upon the ſeveral Securities already made out and charged upon the Duties Granted by the ſaid former Act, ſhall be paid off and Diſcharged in order and Courſe, according to the Dates of the ſeveral Securities for the ſame, out of the Temporary Duties Granted by the former, and Continued by this preſent Act; And from and after ſuch time as the ſaid Principal Sums and Intereſt ſhall be paid off and Diſcharged, and that the Juſtices of the Peace, at the General Quarter-Seſſions for the ſaid County of *Cumberland*, ſhall adjudge that the Works of the ſaid Harbour are ſufficiently Repaired and Secured, the Temporary Duties hereby Granted ſhall Ceaſe and Determine, and ſuch Duties only ſhall be Paid from thenceforward, as were Granted in Perpetuity by the ſaid former Act.

when Borrow Monies paid off & Seſſions certify the Works of the Harbour ſufficiently repaired temporary duties to ceaſe.

And be it Enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be Commenced or Proſecuted againſt any Perſon or Perſons for any thing that he or they ſhall do in purſuance of this Act, all and every ſuch Perſon and Perſons may Plead the General Iſſue, and give this Act and the Special Matter in Evidence; And if in any ſuch Suit the Plaintiff or Proſecutor ſhall be become Nonſuit, or forbear Proſecution, or Diſcontinue the Suit, or if a Verdict ſhall Paſs againſt him, or Judgment be given againſt him upon Demurrer, then and in any of the ſaid Caſes, the Defendant and Defendants ſhall Recover full Coſts, for which he and they ſhall have the like Remedy as where Coſts by Law are Awarded: And this Act ſhall be taken and allowed in all Courts as a Publick Act; and all Judges and Juſtices are hereby Required to take Notice thereof, without Special Pleading the ſame.

Math. Johnſon,
Cler' Parliamentor'

F I N I S.

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